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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,032	03/25/2004	Michael C. Sefcik	25434-00077	5810
33772	7590	08/30/2005	EXAMINER	
MCDONALD HOPKINS CO., LPA 2100 BANK ONE CENTER 600 SUPERIOR AVENUE, E. CLEVELAND, OH 44114-2653			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/809,032		SEFCIK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rodney H. Bonck		3681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/25/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

The following is a first action on the merits of application Serial No.10/809,032, filed March 25, 2004.

### ***Information Disclosure Statement***

Receipt is acknowledged of the Information Disclosure Statement filed March 25, 2004. The cited documents have been considered.

### ***Drawings***

The drawings are objected to by the draftsman for the reasons set forth on the attached Form PTO-948.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 4, and 7-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Usoro('901). Usoro discloses a clutch comprising a clutch housing 12, a piston 28, and a sleeve 18 having a predetermined shape that conforms to the housing. The sleeve is positioned within the clutch housing and forms a fluid passageway 48,26 between the clutch housing 12 and the sleeve 18 and forms a piston reactive cavity between the clutch housing 12, the piston 28, and the sleeve 18. The sleeve, as seen in Fig. 1 of Usoro, has a portion that can be considered a first portion and two stepped portions readable as first and second stepped portions. The sleeve further includes a passage 50 which can be considered a fluid entry passage for the entry of fluid into balance chamber 46. Fluid travels through the entry passage and also travels through the fluid passageway and into the piston reactive cavity. The sleeve in Usoro has a surface for sealing engagement with the piston, as seen in Fig. 1. The Usoro device

has a centrifugal compensation device 42, and the sleeve has a centrifugal retaining device 68 to retain the centrifugal compensation device.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usoro('901). In Usoro, the housing 16 is shown mounted on sleeve 18. Since relative rotation is not permitted between the piston and the sleeve, it would have been obvious to one having ordinary skill in this art to mount the housing on the sleeve by an interference fit, the motivation being to firmly mount the housing for rotation with the

sleeve. Regarding the method claims, it is submitted that the claimed steps of providing a housing, attaching a piston, providing a sleeve, positioning the sleeve, creating fluid passageways, and providing sealing surfaces would inherently be performed in making the device of Usoro.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Usoro('901) in view of Leichliter et al.('649). This claim calls for the use of "powered" metal for the sleeve. Leichliter et al. disclose the use of powered metal as suitable for use in a coupling. It would have been obvious to use this material in the Usoro device, the motivation being to form sliding sealing surfaces, as taught by Leichliter et al.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usoro('901) in view of Slesar et al.('193). These claims call the use of sintered iron for the sleeve. Usoro does not disclose a specific material for sleeve 18. Slesar et al. disclose the use of sintered iron for use in sleeves. It would have been obvious to use sintered iron for the sleeve 18 of Usoro, the motivation being to use a material taught as suitable for this environment.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murasugi et al.('787) is cited to show sleeve 42a and Kundermann et al.('074) is cited to show sleeve 66. Wolbers et al.(US 2003/0070898

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A1) and DePiazza et al.(US 2003/0213671 A1) teach the use of powdered metal in support sleeves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck  
Primary Examiner  
Art Unit 3681

rhb  
August 28, 2005